

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRIAN CHARLES PARKER,

Plaintiff,

v.

MICHIGAN DEPARTMENT OF  
CORRECTIONS, *et al.*,

Defendants.

Case No. 4:01-CV-11

HON. RICHARD ALAN ENSLEN

**ORDER**

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This matter is before the Court on Plaintiff Brian Charles Parker's Motion for Relief from Judgment pursuant to Federal Rule of Civil Procedure 60. Plaintiff initially brought this case claiming that he was denied admittance to a residential substance abuse treatment (RSAT) program because of his insulin dependent diabetes. (Compl., Dkt. No. 1.) The case was dismissed after parties advised that Plaintiff had been transferred to the Cooper Street Correctional Facility and was enrolled to attend the RSAT program there. (Report & Recommendation, Dkt. No. 99, at 1; Order, Dkt. No. 104.) In the pending motion, Plaintiff requests the Court to order a "written agreement" that would insure Plaintiff would be paroled to Project Rehab to complete in-house substance abuse treatment and that Plaintiff would be allowed out-patient treatment to a facility in Kalamazoo, Michigan. (Mot. at 5.)

Upon review, the Court will deny Plaintiff's motion for lack of jurisdiction. This case was dismissed with prejudice in light of the parties' agreement and this Court specifically did not retain jurisdiction to enforce the agreement. (*See* Order, Dkt. No. 104, at 2 (denial of Plaintiff's request

for this Court to exercise continuing jurisdiction); *see also Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 378 (1994)).

**THEREFORE, IT IS HEREBY ORDERED** that Plaintiff's Motion for Relief from Judgment (Dkt. No. 119) is **DENIED**.

DATED in Kalamazoo, MI:  
May 17, 2005

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
UNITED STATES DISTRICT JUDGE